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| APPLICATION NO.           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 09/609,907                | 07/03/2000  | Thomas Lloyd Hiller  | 17-3-3              | 3269             |
| 30541                     | 7590        | 01/05/2004           |                     |                  |
| LAW OFFICE OF JOHN LIGON  |             |                      |                     |                  |
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|                           |             |                      | EXAMINER            |                  |
|                           |             |                      | NGUYEN, THUAN T     |                  |
|                           |             |                      | ART UNIT            | PAPER NUMBER     |
|                           |             |                      | 2685                |                  |

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/609,907

**Applicant(s)**

HILLER ET AL.

**Examiner**

THUAN T. NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/03 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

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4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. (U.S. Patent No. 6,493,328) in view of Meier (U.S. Patent no. 5,673,031).

Regarding claims 1-13, Fong discloses a system and a method for allowing a mobile of a wireless communication, referred to as a mobile node (MN) or simply a mobile station (Fig. 1/items 116, 118, 130, 126, 132, 134, 136, and col. 3/line 65 to col. 4/line 20), simultaneously access to multiple data networks coupled to the wireless communication network, for example, a wireless network infrastructure 102 coupled to a PSTN network system and/or to an Internet 114 as a data network system and to other data network systems such as to packet data networks 528 through a PDSN 526 regarding as a data serving node (Fig. 5, and col. 8/line 54 to col. 9/line 9), wherein network interfaces are provided within network controlling elements, such as within Base Station controllers, of the wireless communication network, for instance, a base station controller BSC 516 acts as a primary controller in controlling the routing or connecting of mobile nodes or mobile stations among packet data networks 528, voice networks 530, and a radio access network 302 (Fig. 4/item BSC 424 & Fig. 5, and col. 8/line 54 to col. 9/line 9); and the network interfaces allows various communication channels established by the mobile to be routed to network controlling elements that are coupled to a plurality of data networks (as illustrated in Fig. 5, and Fig. 11 for a BSC with a plurality of different network interfaces I/F(s) as shown to communicate to other networks, and col. 12/line 66 to col. 13/line 42). Furthermore, Fong discloses that Fong's system further includes a mobile node or mobile station can maintain plural communication paths using the Radio Link Protocol (RLP), and this capability provides data

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connectivity from a mobile node to multiple service areas (see Figs. 3A & 3B for Radio Link Protocol addressed, the PDSN protocol and how these components interacts or interfaces to each other, and further details on col. 6/line 54 to col. 7/line 31). Thus, a mobile station or a mobile node is able to communicate simultaneously with different data networks; and the network interfaces further allows handoffs or handovers to be executed seamlessly with no interruptions between mobile nodes and system equipment, i.e., a host system, as the main objection of Fong's system and method for providing and supporting non-interruption transmission as the mobile nodes moves among different networks with different standards and protocols (col. 1/lines 20-67 & col. 3/line 65 to col. 4/line 56). Therefore, every limitation of the present application is met by the disclosure of Fong's system and method as discussed.

Applicants basically argues that Fong's system is similar to the present application (admitted), yet Fong's radio link protocol technique is for a single service are, not concerned or suggest to include a plurality of base stations and the movement of a mobile system from a first service node (area) to a second one service area. However, Meier teaches an exact same technique for using RLP for establishing plural communications channels between a mobile node and a servicing BSC (see Figs. 1, 4, 5 & 6, and col. 1/line 60 to col. 3/line 28 & col. 10/line 61 to col. 11/line 30 for roaming mobile stations within a plurality of base stations and nodes; and col. 21/line 45 to col. 22/line 45 for details on radio link protocol between nodes and BSCs). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fong's system not limited to a single service area but expanding to a plural of

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areas during roaming for handling the plural communication channels among nodes and base stations as taught by Meier.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gollnick (US Patent 5,940,771) discloses network supporting roaming sleeping terminals.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,*

*2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a long, sweeping horizontal line extending to the right.

**TONY T. NGUYEN**  
**PATENT EXAMINER**

Tony T. Nguyen  
Art Unit 2685  
December 26, 2003